

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

KHALID BIN ABDULLAH MISHAL )  
THAMER AL HAMEYDANI, *et al.*, )  
Petitioners, )  
v. ) Civil Action No. 04-CV-0828 (CKK)  
UNITED STATES OF AMERICA, *et al.*, )  
Respondents. )  
\_\_\_\_\_ )

**DECLARATION OF JAMES R. CRISFIELD JR.**

Pursuant to 28 U.S.C. § 1746, I, Commander James R. Crisfield Jr., Judge Advocate General's Corps, United States Navy, hereby state that to the best of my knowledge, information and belief, the following is true, accurate and correct:


1. I am the Legal Advisor to the Combatant Status Review Tribunals. In that capacity I am the principal legal advisor to the Director, Combatant Status Review Tribunals, and provide advice to Tribunals on legal, evidentiary, procedural, and other matters. I also review the record of proceedings in each Tribunal for legal sufficiency in accordance with standards prescribed in the Combatant Status Review Tribunal establishment order and implementing directive.

2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Khalid Bin Abdullah Mishal Thamer Al Hameydani that are suitable for public release. The portions of the record that are classified or considered law enforcement

sensitive are not attached hereto. I have redacted information that would personally identify certain U.S. Government personnel in order to protect the personal security of those individuals. I have also redacted internee serial numbers because certain combinations of internee serial numbers with other information become classified under applicable classification guidance.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 12 Oct 04

  
\_\_\_\_\_  
James R. Crisfield Jr.  
CDR, JAGC, USN



**Department of Defense  
Director, Combatant Status Review Tribunals**

OARDEC/Ser: 0196  
11 October 2004

**FOR OFFICIAL USE ONLY**

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR  
DETAINEE ISN # [REDACTED]**

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Order of 29 July 2004

1. I concur in the decision of the Combatant Status Review Tribunal that Detainee ISN # [REDACTED] meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final, and the detainee will be scheduled for an Administrative Review Board.

A handwritten signature in cursive script, appearing to read "J. M. McGARRAH".

J. M. McGARRAH  
RADM, CEC, USN

Distribution:  
NSC (Mr. John Bellinger)  
DoS (Ambassador Prosper)  
DASD-DA  
JCS (J5)  
SOUTHCOM (CoS)  
COMJTFGTMO  
OARDEC (Fwd)  
CITF Ft Belvoir

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8 Oct 04

## MEMORANDUM

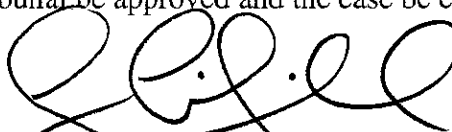
From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # [REDACTED]Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #6 of 13 September 2004  
(2) Record of Tribunal Proceedings

1. Legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:

- a. The detainee was properly notified of the Tribunal process and voluntarily elected not to participate at the Tribunal.
  - b. The Tribunal was properly convened and constituted by enclosure (1).
  - c. The Tribunal complied with all provisions of references (a) and (b). Note that some information in exhibits R-12 and R-13 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant.
  - d. The detainee made no requests for witnesses or other evidence.
  - e. The Tribunal's decision that detainee # [REDACTED] is properly classified as an enemy combatant was unanimous.
  - f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments to the Tribunal.
2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.
3. I recommend that the decision of the Tribunal be approved and the case be considered final.



JAMES R. CRISFIELD JR.  
CDR, JAGC, USN



Department of Defense  
Director, Combatant Status Review Tribunals

13 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #6

Ref: (a) Convening Authority Appointment Letter of 9 July 2004

By the authority given to me in reference (a), a Combatant Status Review Tribunal established by "Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba" dated 29 July 2004 is hereby convened. It shall hear such cases as shall be brought before it without further action of referral or otherwise.

The following commissioned officers shall serve as members of the Tribunal:

MEMBERS:

[REDACTED], Colonel, U.S. Army; President

[REDACTED], Commander, JAGC, U.S. Navy; Member (JAG)

[REDACTED], Lieutenant Colonel, U.S. Marine Corps;  
Member

J. M. McGARRAH  
Rear Admiral  
Civil Engineer Corps  
United States Naval Reserve



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

MEMORANDUM FOR DIRECTOR, CSRT

02 October 2004

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN [REDACTED]

1. Pursuant to Enclosure (1), paragraph (I)(5) of the *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba* dated 29 July 2004, I am forwarding the Combatant Status Review Tribunal Decision Report for the above mentioned ISN for review and action.

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN 660-3088.

  
DAVID L. TAYLOR  
Colonel, USAF

**(U) Combatant Status Review Tribunal Decision Report Cover Sheet**

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) and (3).

(U) TRIBUNAL PANEL:  #6

(U) ISN#:  [REDACTED]

Ref: (a) (U) Convening Order for Tribunal #6 of 13 September 2004 (U)  
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)  
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

Encl: (1) (U) Unclassified Summary of Basis For Tribunal Decision (U)  
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)  
(3) (U) Copies of Documentary Evidence Presented (S/NF)  
(4) (U) Personal Representative's Record Review (U)

1. (U) This Tribunal was convened by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).

2. (U) On 29 September 2004, the Tribunal determined, by a preponderance of the evidence, that Detainee [REDACTED] is properly designated as an enemy combatant as defined in reference (c).

3. (U) In particular, the Tribunal finds that this detainee is a member of, or affiliated with, Taliban or Al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners, as more fully discussed in the enclosures.

4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).

[REDACTED]

Colonel, U.S. Army  
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

**(Enclosure (1) to Combatant Status Review Tribunal Decision Report)**

TRIBUNAL PANEL: \_\_\_\_\_ #6  
ISN #: \_\_\_\_\_

**1. Introduction**

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and was part of or supporting Taliban or Al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

**2. Synopsis of Proceedings**

The Tribunal held this hearing on 29 September 2004. The Recorder presented Exhibits R-1 and R-2 during the unclassified portion of the Tribunal. The primary exhibit, the Unclassified Summary of Evidence (Exhibit R-1), indicates, among other things, that the detainee is associated with the Taliban and Al Qaida; that the detainee worked for Al Wafa, an Al Qaida associated organization; that the detainee received training at Lashkar e-Taiba (sic); that the detainee fought against the Northern Alliance at Tora Bora and Talaqoun; and that the detainee was among 84 Mujahidin fighters captured by the Pakistani government in the Nangarhar Province. The Recorder called no witnesses.

The detainee did not attend the Tribunal and refused to acknowledge the Personal Representative during their meeting prior to the Tribunal as indicated on the Detainee Election Form (Exhibit D-A). The detainee's failure to respond to the Personal Representative's invitation to participate in the Tribunal process was treated as a declination and the Tribunal proceeded without the detainee. The Personal Representative presented no evidence and called no witnesses on behalf of the detainee.

During the classified session of the Tribunal, the Recorder presented Exhibits R-3 through R-14. The Personal Representative presented no classified evidence. The Recorder commented on the classified exhibits; the Personal Representative did not.

After the Tribunal read all of the classified exhibits, the Tribunal requested additional information. In response to the Tribunal's request, the Recorder offered into evidence Exhibit R-15 after giving the Personal Representative an opportunity to review the document. Neither the Recorder nor the Personal Representative had any comments on

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ISN \_\_\_\_\_  
Enclosure (1)  
Page 1 of 3



the additional document. After considering the unclassified and the classified evidence, the Tribunal determined that the detainee is properly classified as an enemy combatant.

### **3. Evidence Considered by the Tribunal**

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: R-1 through R-15 and D-a.
- b. Testimony of the following persons: None.
- c. Statement of the detainee: None.

### **4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses**

The Detainee requested no witnesses.

The Detainee requested no additional evidence be produced.

### **5. Discussion of Unclassified Evidence**

The recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2, the FBI redaction certification, provided no usable evidence. Because there was no other unclassified evidence for the Tribunal to consider (other than Exhibit R-15, which is discussed below), the Tribunal had to look to the classified exhibits to support the assertions on the Unclassified Summary of Evidence and the Tribunal's conclusions. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

The Recorder presented Exhibit R-15 in response to a question during the classified session regarding Lashkar e-Tayyiba. The exhibit indicates Lashkar e-Tayyiba is a terrorist organization and not a training camp, as is suggested by item 3.a.3 on the Unclassified Summary of Evidence. The Tribunal considered this information in reaching its decision.

### **6. Consultations with the CSRT Legal Advisor**

No issues arose during the course of this hearing that required consultation with the CSRT Legal Advisor.

**7. Conclusions of the Tribunal**

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

a. The detainee chose not to participate in the Tribunal proceeding. No evidence was produced that caused the Tribunal to question whether the detainee was mentally and physically capable of participating in the proceeding, had he wanted to do so. Accordingly, no medical or mental health evaluation was requested or deemed necessary.

b. As indicated in Exhibit D-A, the detainee made a conscious decision not to acknowledge the Personal Representative's invitation to participate in the Tribunal process. Because the Personal Representative fully explained the Tribunal process to the detainee, the Tribunal finds the detainee made a knowing, intelligent and voluntary decision not to participate in the Tribunal process.

c. The detainee is properly classified as an enemy combatant because he was part of or supporting Taliban or Al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners.

**8. Dissenting Tribunal Member's report**

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Army  
Tribunal President

DETAINEE ELECTION FORM

Date: 28-Sep-04

Start Time: 0800

End Time: 0815

ISN#: [REDACTED]

Personal Representative: [REDACTED]  
(Name/Rank)

Translator Required? YES Language? ARABIC

CSRT Procedure Read to Detainee or Written Copy Read by Detainee? YES

**Detainee Election:**

- Wants to Participate in Tribunal
- Affirmatively Declines to Participate in Tribunal
- Uncooperative or Unresponsive

**Personal Representative Comments:**

Detainee unresponsive. Sat in chair with head down did not speak at any time. Tribunal process explained and Unclassified Summary of Evidence translated to detainee. Explained to detainee that his unresponsiveness would be considered that he does not want to participate in the Tribunal.

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Personal Representative: [REDACTED] LCOR, USN

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**Recorder Exhibit List  
For  
ISN [REDACTED]**

#	Title	Support	Classification
R1	Unclassified Summary		UNCLASSIFIED
R2	FBI Request for Redaction of National Security Information 22 SEP 04		UNCLASSIFIED
R3	MFR dtd 11-MAR-02	3.a.1	SECRET
R4	IIR 2 340 6122 02 dtd 09-JAN-02	3.a.2	SECRET
R5	IIR 6 034 0677 03 undtd	3.a.3	SECRET//NOFORN
R6	IIR 6 034 1267 03 dtd 02-JUL-03	3.b.1, 3.b.2	SECRET//NOFORN
R7	IIR 7 739 3396 02 dtd 27-SEP-02	3.b.3	CONFIDENTIAL
R8	JTF GTMO Baseball Card	Summary	SECRET//NOFORN
R9	CITF-CDR Memo dtd 10-MAR-04	Summary	SECRET//NOFORN
R10	JTF GTMO-CG Memo dtd 24-JAN-04	Summary	SECRET
R11	Tier Assessment Memo	3.a.1	SECRET
R12	FBI 302 dtd 12-MAR-03	3.a.3	FOUO//LES
R13	FBI 302 dtd 05-MAY-03	3.b.1, 3.b.2	FOUO//LES
R14	JTF GTMO Baseball Card [REDACTED]	R4	SECRET//NOFORN

**Combatant Status Review Board**

TO: Personal Representative

FROM: OIC, CSRT (23 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – Al Hameydani, Khalid Bin Abdullah Mishal Thamer

1. Under the provisions of the Department of the Navy Memorandum, dated 16 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that he associated with the Taliban and al Qaida and engaged in hostilities against the United States or its coalition partners.
  - a. Detainee is associated with the Taliban and al Qaida.
    1. The detainee worked for al Wafa, an al Qaida associated organization.
    2. Detainee's name and phone number were known to an al Qaida leader.
    3. Detainee received training at Lashkar e-Taiba.
  - b. Detainee engaged in hostilities against the US or its coalition partners.
    1. The detainee fought against the Northern Alliance at Tora Bora and Talaqoun.
    2. Detainee operated an anti-aircraft gun at Talaqoun.
    3. Detainee was among 84 Mujahidin fighters captured by the Pakistani government in Nangarhar Province.
4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not

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an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

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# Memorandum



To : Department of Defense Date 09/24/2004  
Office of Administrative Review  
for Detained Enemy Combatants  
Col. David Taylor, OIC, CSRT

From : FBI GTMO  
Counterterrorism Division  
[REDACTED]

Subject REQUEST FOR REDACTION OF  
NATIONAL SECURITY INFORMATION  
[REDACTED]

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked<sup>1</sup>. The FBI makes this request on the basis that said information relates to the national security of the United States<sup>2</sup>. Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

CERTIFICATION THAT REDACTED INFORMATION DOES NOT SUPPORT A DETERMINATION THAT THE DETAINEE IS NOT AN ENEMY COMBATANT

The FBI certifies the aforementioned redaction contains no information that would support a determination that the detainee is not an enemy combatant.

The following documents relative to ISN [REDACTED] have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 03/12/2003  
FD-302 dated 05/30/2003

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<sup>1</sup>Redactions are blackened out on the OARDEC provided FBI document.

<sup>2</sup>See Executive Order 12958

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EXHIBIT A338

Memorandum from [REDACTED] to Col. David Taylor  
Re: REQUEST FOR REDACTION, 09/24/2004

If you need additional assistance, please contact

[REDACTED] or Intelligence Analyst [REDACTED]

[REDACTED]  
Intelligence Analyst [REDACTED]  
[REDACTED]



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P.R. Copy



U.S. Department of Homeland Security  
U.S. Customs and Border Protection  
Office of Border Patrol

## Terrorist Organization Reference Guide

January 2004

EXHIBIT 1340-15

## 19. Lashkar-e-Tayyiba (LT) (Army of the Righteous)

### Description

The LT is the armed wing of the Pakistan -based religious organization, Markaz-ud-Dawa-wal-irshad (MOI) - a Sunni anti-US missionary organization formed in 1989. The LT is led by Abdul Wahid Kashmiri and is one of the three largest and best-trained groups fighting in Kashmir against India; it is not connected to a political party. The United States in October 2001 announced the addition of the LT to the US Treasury Department's Office of Foreign Asset Control's (OFAC) list - which includes organizations that are believed to support terrorist groups and have assets in US jurisdiction that can be frozen or controlled. The group was banned, and the Pakistani Government froze its assets in January 2002.

### Activities

The LT has conducted a number of operations against Indian troops and civilian targets in Kashmir since 1993. The LT claimed responsibility for numerous attacks in 2001, including an attack in January on Srinagar airport that killed five Indians along with six militants; an attack on a police station in Srinagar that killed at least eight officers and wounded several others; and an attack in April against Indian border-security forces that left at least four dead. The Indian Government publicly implicated the LT - along with JEM - for the 13 December attack on the Indian Parliament building. The LT is also suspected of involvement in the 14 May 2002 attack on an Indian Army base in Kaluchak that left 36 dead. Senior al-Qaeda lieutenant Abu Zubaydah was captured at an LT safehouse in Faisalabad in March 2002, suggesting some members are facilitating the movement of al-Qaeda members in Pakistan.

### Strength

Has several hundred members in Azad Kashmir, Pakistan, and in India's southern Kashmir and Doda regions. Almost all LT cadres are foreigners - mostly Pakistanis from madrassas across the country and Afghan veterans of the Afghan wars. Uses assault rifles, light and heavy machineguns, mortars, explosives, and rocket-propelled grenades.

### Location/Area of Operation

Based in Muridke (near Lahore) and Muzaffarabad. The LT trains its militants in mobile training camps across Pakistan-administered Kashmir and had trained in Afghanistan until fall of 2001.

### External Aid

Collects donations from the Pakistani community in the Persian Gulf and United Kingdom, Islamic NGOs, and Pakistani and Kashmiri businessmen. The LT also

maintains a Web site (under the name of its parent organization Jamaat ud-Oaawa), through which it solicits funds and provides information on the group's activities. The amount of LT funding is unknown. The LT maintains ties to religious/military groups around the world, ranging from the Philippines to the Middle East and Chechnya through the MOI fraternal network. In anticipation of asset seizures by the Pakistani Government, the LT withdrew funds from bank accounts and invested in legal businesses, such as commodity trading, real estate, and production of consumer goods.

## **20. Lashkar I Jhangvi (LJ) (Army of Jhangvi)**

### **Description**

Lashkar I Jhangvi (LJ) is the militant offshoot of the Sunni sectarian group Sipah-I-Sahaba Pakistan (SSP). The group focuses primarily on anti-Shia attacks and was banned by Pakistani President Musharraf in August 2001 as part of an effort to rein in sectarian violence. Many of its members then sought refuge with the Taliban in Afghanistan, with whom they had existing ties.

### **Activities**

LJ specializes in armed attacks and bombings. The group attempted to assassinate former Prime Minister Nawaz Sharif and his brother Shabaz Sharif, Chief Minister of Punjab Province, in January 1999. Pakistani authorities have publicly linked LJ members to the kidnap and murder of US journalist Daniel Pearl in early 2002. Police officials initially suspected LJ members were involved in the two suicide car bombings in Karachi in 2002-against a French shuttle bus in May and the US Consulate in June - but their subsequent investigations have not led to any LJ members being charged in the attacks. Similarly, press reports have linked LJ to attacks on Christian targets in Pakistan, including a grenade assault on the Protestant International Church in Islamabad in March 2002 that killed two US citizens, but no formal charges have been filed against the group.

### **Strength**

Probably fewer than 100.

### **Location/Area of Operation**

LJ is active primarily in Punjab and Karachi. Some members travel between Pakistan and Afghanistan.

### **External Aid**

Unknown.

## Personal Representative Review of the Record of Proceedings

I acknowledge that on 30 September 2004, I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN # [REDACTED]

I have no comments.

My comments are attached.

[REDACTED]

30 SEP 04  
Date

[REDACTED]

Signature

ISN [REDACTED]  
Enclosure (5)